

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

JOHN R. JONES,)
Register No. 186930,)
)
)
Plaintiff,)
)
v.) No. 04-4225-CV-C-NKL
)
)
DR. JACQUES LAMOUR, et al.,)
)
)
Defendants.)

ORDER

On March 17, 2005, the United States Magistrate Judge recommended that the motion to dismiss filed by defendants Conley, Matthews and Almanza be granted and the claims against them be dismissed because barred by the statute of limitations. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$255.00 appellate filing fee, regardless of the outcome of the appeal. *Henderson v. Norris*, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the motion to dismiss filed by defendants Conley, Matthews and Almanza is granted and the claims against them are dismissed because barred by the statute of limitations [14].

/s/
NANETTE K. LAUGHREY
United States District Judge

Dated: May 2, 2005
Jefferson City, Missouri